

Peter A. Leeming, SBN 119124
108 Locust Street, Suite 7
Santa Cruz CA 95060

Telephone (831) 425-8000

Attorney for: Defendant Derek Malone

ORDER OF THE COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,)	No. CR 11-0657
)	
Plaintiff,)	STIPULATION AND []
)	ORDER CONTINUING STATUS
vs.)	CONFERENCE
)	
DEREK MALONE,)	
)	
Defendant)	

The parties stipulate, and request that the court Order, the following:

1. This matter is currently set for a status conference on September 13, 2012 at 9:00 A.M. By this stipulation, the parties are jointly requesting that the hearing be moved to October 11, 2012 at 9:00 AM.

2. A continuance of this matter is necessary for continuity of counsel the effective preparation of defense counsel. Counsel for Mr. Malone was scheduled to begin a five defendant state court homicide preliminary hearing on Monday, September

1 10, 2011 (People v. Valencia, et al). However, counsel for one of the co-defendants in
2 that matter, Mr. Jack Gordon, was ordered to begin a different state court homicide
3 preliminary hearing in Santa Clara County on September 10, 2012. Therefore the judge
4 in the Valencia case ordered that case to trail Mr. Gordon's matter. The Valencia
5 preliminary hearing is now scheduled to begin on September 13, 2012. The government
6 does not oppose Mr. Malone's request for a continuance of the status conference.
7

8
9 4. For the above reason, the parties jointly request that the status conference
10 hearing set for September 13, 2012 be vacated, and that the hearing be continued to
11 October 11, 2012 at 9:00 AM, and that the time between September 13 and October 11,
12 2012 be excluded from the speedy trial act for continuity and the effective preparation of
13 counsel.
14

15
16 Respectfully submitted,
17

18 Dated: Sept. 12, 2012

19 By: _____/s/_____
20 PETER A. LEEMING,
21 Attorney for DEREK MALONE
22

23 /s/ Grant Fondo,
24 Grant Fondo,
25 Assistant U.S. Attorney

26 IT IS SO ORDERED.

27 DATED: JH G
28



Hon. D. Lowell Jensen
United States District Judge